File No. 57

Serial Nos.

Previous References
G.M. 284-06-1-8, 10, 13, 14, 1
Ch 91-20-1-6
" 87-20-1-7

Later References
Law 135-31-142.
" 164-31-142
" 164-31-3-6
" 57-30-9-10

General and Revenue Secretariat.

Serial Nos. ~~Five~~ Eight

Part B for April 32

SUBJECT.

Recovery of defalcated amount from
B. G. Rama Rao late Mamlat-Clerk,
Bangalore Dist.

No. C1-990/26-27 Dated 15th Oct 1930 Received 21st Oct/1930.

Diary No. 1943	Enclos.	Spare copies	

BRIEF ABSTRACT OF LETTER.

States that House no. 11 Gopalakrishnaswami Temple St. Chickpet, B'lore belonging to B.S. Ramarao was purchased on behalf of Govt in 1908 and subsequently it was decreed in 1912, by the subjudge to the effect that the Asstt. was owner of the house. Later on this was contested in a suit brought by one Kaverramma, which was resulted in favour of the plff inspite of the fact the Asstt. had purchased the entire st. & requests to instruct as to the line of action to be pursued to recover possession of the house.

NOTES AND ORDER

1) House No: 11 Gopalakrishnaswami Temple street Chickpet, Bangalore city was purchased in 1908 by the Asstt. Bangalore on revenue sale held for recovery of moneys misappropriated by late B.S. Ramarao — Govt of the Bangalore District D.C's office. Since there was resistance

to delivery of possn the Amildar filed a
a Suit (O.S. 430 of 1909-10) in the Sub Court
Bangalore against B.G. Ramaiah & his
mother Subbamma who was in occupation of
house. This Suit was of course for declaration
and possession. The suit was after contest
decreed on 23rd ~~Sept~~ 1912 Execution
proceedings were taken by the Amildar
on 20th June 1916 but the ~~same~~ was rejected
for reasons not known

2) In 1920-21 one Shamiah is said to
have filed a suit against the Amildar
in the 1st Munsiff's Court Bangalore (O.S. 111 of
1920-21) & the same appears to have
been dismissed for default on 25/10/27.

No steps appear to have been taken
by the Revenue authorities to get possession
of the house

he is managing the property on behalf of Kaveramma — his wife.

5) The D.C. wants instructions as to the line of action he is to pursue now to recover possession of the house.

It is very unfortunate that the Department has not taken any steps to execute the Sub Court decree after 1916. The further execution is therefore barred under the three years rule to which even the Govt. is subject. Since the 60 years rule applies only to Suits & not to applications. No suit can lie ~~by the~~ ~~obtained~~ against Ramaiah & Subbamma or persons claiming under them, to get satisfaction of the decree, since such a suit is not maintainable under Sec. 47 C.P. Code.

7) But according to the facts stated by the D.C, the house is now admittedly in the possn of Ramaiah on behalf of Kaveramma. To file a suit against Kaveramma, the exparte decree ~~has to be got~~ obtained by her in OS. 277 of 20-21 will have to be got set aside. It is not clear how this can be done at this distance of time. The conduct of the auditor concerned (Mr. Krishnachar) in not appearing in accordance with the Summons duly served

and in allowing the ex parte decree to become final appears to be very deplorable

8) If however collusion and fraud (extrinsic) between the auctioneer and the plaintiff Kariamma in O.S can be established, a suit based on such cause of action against Kariamma may perhaps be maintainable (24 M.L.C.C.R 257 F.B) where are however no materials to give any opinion on this point

The D.C may perhaps be requested to investigate this aspect of the matter and make a further reference if necessary with copies of pleadings & decree passed in O.S. 277, which have not been sent with the present reference.

10) The Govt Advocate may also be consulted as to the further action that may be taken to recover possession of the house

Bdy
28/10

File No. of 193 | General and Reve Secretariat

Re-transmitted with compliments.

The Deputy Commissioner may be requested to send copies of the pleadings, Judge's notes and decree passed in Original Suit No.277/1920-21 on the file of the First Munsiff, Bangalore, (Kaveramma, daughter of Appajappa VS. The Amildar, Bangalore). These papers are necessary for a proper consideration of the matter referred for opinion. The file may kindly be sent back -- immediately these are received.

K. Ramachandra Rao

Government Advocate.
~~11/x~~ 3/11/1930.

CSN.

1) Please put up a draft to D.C. accordingly

BNR 3/11

Dft put up.

TSD 4/11

Done & resubmit

BNR 4/11

To

The Deputy Comm^r B'lore

No. P. 2526 dt 6/11/30 requesting to send Copies of judgment & and decree passed in O.S. no 277/20-21 on the file of the I Munsiff B'lore

14) For perusal

Legal^r

BNR 8/4

D.C. 10/4

A^r to be issued
4/6/12/30
BNR 25/11

...eral and Revenue Secretariat | File No. of 193

Serial No.

Dft R^r to D B'lore is put up for approval

TSD 18/12

Issue MK 18/12

R^r no. P. 3475 dated 19.12.30.

Issue MK 22/1

Letter no C1 - 990 /26-27 dated 3rd Jan^y 1927 from the D.C. Bangalore forwarding for perusal the Copies of pleadings etc.

D.O. No. P 47930 of 6.1.1931.

15) forwarded with Compt to Govt. Advocate as desired in this note W.O. no 23/30-31 dated

for fa

B.O.

Mpradeep 6/1/31
for d.R^r See^y to Govt
Law Dep

Re-transmitted with compliments.

16) The facts of the case appear to be clear. For certain sums of money defalcated by one B. G. Rama Rao Government brought his house situated in Chikpet, Bangalore City, for sale on the Revenue side and purchase it themselves in the name of the Amildar, Bangalore - Taluk. While trying to obtain possession, the Amildar appears to have been resisted by both B. G. Rama Rao and Subbamma, his mother. A suit was then filed by the Amildar, Bangalore Taluk, against both these persons before the Sub-Judge, Bangalore in O.S. No 43 of

1909-10 for declaration of Government's title to and possession of the house. After contest, the suit was decreed on 27-12-1912.

17) Execution was sued out in Execution Case No. 2148/1925-26 but the application was dismissed presumably owing to obstruction caused by one - Kaveramma (wife of B. G. Rama Rao) and another - Shama Rao. The Amildar filed Mis. Case 265/16-27 against both these persons for removal of obstruction and again after contest, an order was passed - overruling the objections of the obstructors and directing delivery of possession of the house in favour of the Amildar. This order was passed on 27-10-1919 and it should have been executed and - possession of the house taken within three years of that date i.e., before 27-10-1922. But, there is nothing to show that the order in the Misc. Case was put in execution. The right to get possession of the house on the execution side has become time-barred under the law.

18) There are two other proceedings, the effect of which on the rights of Government have to be - considered viz., (1) the decision in O.S. No. 277 of 1920-21 filed by Kaveramma, against the Amildar in the First Munsiff's Court, Bangalore, and (2) the decision in O. S. No. 111/1920-21 filed by - Shama Rao against the Amildar, in the same Court. The relief prayed for in both these suits was for a declaration of title to the house in question. So far as O. S. 277/1920-21 is concerned, the - Amildar appears to have been personally served with summons on 10-1-1921, but he did not appear and -

contest the suit. An ex-parte decree was passed against him on 1-2-1921. This decree has not bee set aside and from the materials on record it cannot be said that the decree has become vitiated by fx fraud, in which case alone, a right to get the decree set aside would accrue to Government. Further, even if the decree can be set aside, it woul not benefit Government because the Amildar has failed to execute the order for possession of the house passed in Misc. Case No. 265/1916-17 within 3 years. Even if Government's right to bring a - suit for getting the ex-parte decree set aside, be presumed to be x governed by article 149 of the - Limitation Regulation and as such taken to be within time. since no fraud can be made out against - kaveramma, the Government cannot succeed in the - suit. The proceedings in O. S. 111/1920-21 filed by Shama Rao against the Amildar came to an end on 25-10-1927, when the Plaintiff's suit was dismissed for default of prosecution. Though this ended in favour of the Amildar, it cannot be held to improve the position of Government in regard to their getting possession of the house in question.

19) In view of the above circumstances, the remedy of Government to get possession of the house - has become unenforceable by lapse of time.

10) There is yet another point, which has to be considered. A major portion of the amount has - been written off in the accounts. This writing off

is only a matter for account purposes and cannot amount to exoneration of Rama Rao from his liability if he possessed any property from which the written-off amount could be recovered. It is not clear from the records that he possesses any property and so far as the house in question is concerned, he has been living in it along with his wife Kaveramma, who has obtained a declaration of title in her favour, as above stated. Whatever rights Rama Rao had in the house, passed to Government by virtue of the Revenue Sale and in the face of the decree in O.S. 277/1920-21 obtained by Kaveramma against the Amildar, it cannot be said that Rama Rao has acquired any fresh rights in the house which could be made liable for any portion of the defalcated amount. No purpose would, therefore, be served, by selling the house again on the revenue side (as appears to have been attempted knowing that he has not acquired any fresh rights in it, subsequent to the purchase by Government at a revenue auction. Such a procedure would, I fear, involve Government in profitless litigation.

Bangalore,
28-2-1931.

M. Ramachandra Rao
Government Advocate.

H.

vii) On account of the gross negligence of the then Amildar — Mr. Kesavaiah — and Retd) — Govt have lost all rights to the property in question —

If appd, D.S. Blue will be informed accordingly.

22) Kind attn is invited to the portion marked A & A in blue pencil in the by Ad opinion. The Auditor is guilty of wilful disregard of ordinary duty & has omitted to mechanically pursue a simple remedy in spite of a decision in favour of Govt.

By his own gross negligence Govt has thereby been suffered. It is a matter for consid^n whether the Auditor's applⁿ may not be called for & his pension withheld if he fails to give satisfactory explⁿ of his conduct

P. M. 4/3

1st number

23) F. / apte -

24) Please ask Secy calls for his Explⁿ & send him one month to furnish it

Dewan 6/3/37

P. M. 6/3

MM 6/3

30) May this issue?

ISD
13/3

31) Yes.
MNJ
14/3.

The D.C. Bangalore

No. P. 5832 Law. 57.30-4 dated 18.3.31

pointing out that Mr. Keshavacha ~~the~~ the
Amildar has not only neglected to get
insertion of the house within 3 yrs of the order
& allowed an ex parte decree to be passed
against him in the matter and requesting
obtain & submit to him the explanation
Mr. Keshavachar who may be given
reasonable time to furnish the same.

Submitted with a draft reminder

Issue
MNJ
4:5-

4/5

7129 of 6/5/31

From the DC. Bgle

990 of 20/5/31

States that on receipt
the explanation of the Amildar will
be forwarded.

Submitted for perusal. May be awaited.

20/5

32) Kind reference is invited to paras 22 to 25 supra.

33) It is over three months since the explanation was called for. On a Reminder issued in May 1931, the D.C. Bangalore in his letter of 20th May, stated that the D.C. Mysore who was requested to obtain the explanation of the Retired Amildar had not yet forwarded the same.

Submitted for orders

Chief Secy) 3-7-31

34) How much is Mr Veeraraghavan getting as pension? What was the amount (with interest) that Govt have lost through his negligence.

11/7/31

35) The total amount defalcated by B.G. Ramarao was Rs 18,106-8-8, out of which by a G.O of 29th Nov 1911, a sum of Rs 15,345-1-8, was written off. The balance that had to be recovered was Rs 2,761-7-0 & the D.C's letter of 15th Oct 1930, shows that a sum of Rs 715-15-0 has been adjusted towards this. The amount still to be accounted for is thus only Rs 2045-8-0 & it is for this, that the house in question (No: 11 Gopalakrishnaswamy

Temple Street, Chickpet, Bangalore city) was sold & purchased by Govt.

36) By the negligence of the Revenue Govt have lost their title to this house. The house seems to be a valuable property fetching, according to the D C's report, a rent of Rs 35/- per month. ~~The present value of the property is~~

37) As regards the amount of pension information has to be obtained from the Comptroller & a draft is accordingly put up for orders.

(Chief Secy)

DRP 4.7.

Issue

DRP 5/7

To

The Comptroller to Govt.

No. P. 220 dated 8.7.31 enquiring the amount of pension which is given to Keshava Char, the retired Amildar.

5-

Letter no 238 dated 17th July 1931 from the Comptroller stating that Mr. Keshava Char is drawing a pension of Rs 95/- per mensem after Commuting Rs 30/- out of his original pension of Rs 125/-

6

38) (to 37) Kind reference is invited to paras 34) Supra Subs. for ~~orders~~ orders.

ISD 21/7.

(Chief Secy)

DRP 21-7-31

39) Mr Kesavachar has not yet furnished his explanation. It is clear that through his gross negligence, Govt have sustained avoidable loss to the extent perhaps of Rs 6000 or 7000 As it may be harsh to enforce fully a liability arising from incidents ten years ago, a sum of Rs 1000 or 1500 may be recovered from Mr Kesavachar by deducting Rs 50 from his monthly pension

RMM
22/7/31

Second Member

Dewan

40) I agree with the Chief Secy. (RMM 24.7) a sum of Rs 1000 may be recovered by deduction from his pension. Before passing the order it may be ascertained whether any portion of the loss can be recovered from the Bank

Secy
25/7/31

RM
25/7/31

Dewan

25/7/31

41) JM
25-7-31

File No. of 193 General and Revenue Secretariat

Dft to the D.C. Bangalore & Sub-Judge for Comdr

TSD 28/7

44) A date for hearing Mr Kesavachar is to be fixed

Chief Secy) BM 28/7

Second Member) MM 29/7/31

MM 30/7

43) 18th Aug. would suit me (about 2 P.M.)

KG 28/7

MM 30/7

Draft to D.C, Mysore requesting him to issue a notice to show cause is put up -

42) Chief Secy) BM 31/7

45) Seen & appd by chief secy -

Issue today

BM 31/7

Issued No. P. 675 dated 31.7.31. -

46) A copy of this Communication may be forwarded to the D.C. Bangalore for information.

TSD 1/8

47) Ref. With reference to his letter of 20th May 1931

BM 1/8/31

To

Typing Section with compts. for favour of Compliance

TSD 1/8.

OFFICE OF THE SECRETARY TO GOVT. No. 1169 30 JUL 31

49) Reply being received in time. Rt. did not ins
TSD.

Letter no. L. 546-31 dated Aug 1931 from the Deputy Comm Mysore forwarding in original, the report of the Amildar, Mysore Taluk stating that the notice was duly served on Mr. Kesavachar.

50) Kind reference is invited to paras 42 & 43 Supra the report contains the endorsements of Mr. Kesavachar. Date of Hg is 13th inst. at 2 P.M.

Sub to for

51) Case 1 2 P.M.

Mr Kesavachar in person

He has filed a memo specifying the records he wishes to see before an explanation is furnished

52) The member was pleased to order that an attempt may be made to procure the records required, and adjourned the case for hearing at Mysore on 29th August 1931 afternoon

for sending the records immediately

55) Submitted for perusal before issue.

(Gen Secy) DNP 13/8

56) Issue 13/8

57) Today + resubmit

DNP 13/8

To

The Reg H. Ct.

No. P. 984 dated 13.8.31 requesting to send the records of O.S. 277/1931 on the file of the 1st Munsiff, B'lore, within a week

To

The D.C. B'lore

No. P. 985 dated 13.8.31 requesting to obtain and send within a week, records of the B'lore Tk. office, showing receipt of Summons in the case by the then Amildar, Mr. Srinivachar, and the action taken by him thereon.

58) Submitted for perusal of paras 51 to 54 above

(First Member) DNP 14/8

59) KM 15/8/31

Letter no C1-990/26-27 dated 8th Aug 1931 from the D.C. Bangalore requesting to return the Connected Six files as they are req'd by the D.C Mysore so as to enable the Kshatriya to furnish his explanation

(60) Records Called for as required Para 51 & 52 Supra may perhaps be awaited

Subject for general index

TSD 14/8

Sub A Hill 26/8

MP 17.8

Subject not received

Records called for are Hence a draft is put up

Issue MP 20/8

20/8

the services of the Public Prosecutor in
this case.

The D.C. may be asked to state
what action he took on receipt of
this reference by
29.8.31

DH please
MP
31/8

Draft put up is sub-
mitted for perusal before issue

(Secy)

DH
31/8

(66) to the 31/8

Issue today
MP
1/9

To

The Deputy Com

No. P. 1397 dated 1.9.31 forwarding the
memo submitted by Mr. Kesavacha explaining
the action taken by him on receipt of the
Summons in the said suit, and enquiring
what action was taken by him on receipt

II R^y No. P.0004/ dated 7-10-31
issued today to the Deputy
Com^r, Dharwar

Sub A. Reminders have to
issue once every week at least till a reply
is received. Put up on 12^th

DMP
7/10/31

Sub B As reply is not yet received
a draft is put up

Issue
13/10

13/10

III R^y No. P. 2193 dated 15.10.31

(i) Since no reply is received in
spite of 3 R^ys and the Asst Secy has
also suggested the matter to be expedited
in the (linked file), a draft DO R^y
is put up & may issue from Camp
if approved

Secy)

DMP
23/10

Yes
Issue DO Ltr
24/10

GENERAL SECRETARIAT
24 OCT 1931

TYPING SECTION
14 OCT 1931
GENL. & REV. SECTT

In all future communications please quote
No.....C1- 990/26-
Enc :

Tel. Address.—"DEPCOM"
Post Box No. 34.

FROM

K. V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

H.V. Ramaswami, Esq., M.A.,B.L.,
General *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—Recovery of the defalcated amount from the la. Haramat clerk (B.G. Rama Rao), District Office, Bangalore.

---

(18) With reference to the correspondence ending with your lett No.P.2183/Law dated the 15th October 1931 regarding the liability of Mr. Kesavachar, Retired Amildar, Bangalore Taluk for allowing an exparte being passed in O.S.No.277/20-21 on the file of the First Munsiff, Bangalore, I have the honour to state that the references required by you and those on which further information has been called for in your letter No.P.1397 (2)/Law dated the 1st September 1931 are not readily available and are being traced. Every endeavour is being made to trace them expeditiously.

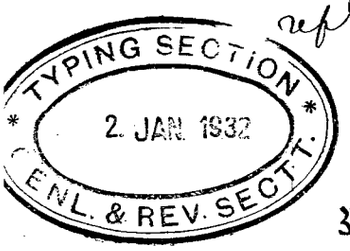
I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Bangalore District.
(Absent from station.)

sub The report has not yet been received Another draft reminder is put up

E
2/1/32

Issue - R^ms are to issue in this case every week till a final reply is received -



MP
2/1/32

3710 of 6/1/32

Sub2 The report has not been received as yet Another reminder is put up

A.D.O. R^r may be put for issue under Chief Secy's signature

MP
16/1

A 161. ISD 16/1

From The D.C. Bijapur

C1-990/26-27 of 9/2/32

stating that in the circumstances mentioned at a cannot be stated what action was taken in the matter. & sending an extract of the report No. 958 prepared from the Post from register requesting to return the plaint sent to this office on 16/10/31 for perusal & order.

12/2 Submitted with reference to the member's minute dated 29th August 1931 (para 6 supra). The only point that has been made clear is that Mr. Kesavachar on receiving the Summons on 10-1-1921 made a reference to the D.C. Bangalore in his report No: 958 of 17th Jan 1921. No information is forthcoming as to what action was taken in the D.C's office on this reference. Neither the P.P nor the auntoar however appeared in the case on the 19th any of the dates of hearing viz 19th & 31st Jan and 1st Feb 1921 an exparte decree was passed.

Mr. Kesavachar in his memo presented to the member on 31.8.31 says that on receiving the notice before suit on 19.8.20, he sent a report to the D.C, that the D.C wrote him on 17.9.20 that he had made

a report to Govt & that again on 18-10-24 the D.C sent him copy of G.O No 975/24 dated 6-10-20 approving the apptt of the PPr. Cls. File 91 of 1920 (serials 1 to 4) placed below which contain the G.O referred to, shows that the references mentioned all dealt with only O.S. 111 of 20-4, which was an earlier suit filed by one Shamadas against the Amildar in respect of the same property and not to O.S. 277 of 20-4 which was filed by Kaveramma, & which is the case allowed to be decided ex parte, on account of the non appearance of the defendant - Amildar.

2) Submitted for orders.

Refce: paras 39 & 40 supra.

Chief Secy) DNP 13/4/25

3) The papers show that the Deputy Commr Mrs was responsible, equally with the Amildar, for overlooking the oversight. In his explanation, Mr Kesavachar admits that he received court Summons and wrote to the Dy Commr requesting that the services of the P. Pr might be engaged

He pleads, by way of extenuation, that he has heavy work to attend to and that the clerk concerned failed to bring the matter to notice on the date of hearing. Although these circumstances do not absolve him of responsibility in the matter I think he may be treated leniently in view of the fact that there was no deliberate omission on his part and that he is now old and in embarrassed circumstances

16/2/32

Fees Members

16/2

76) The names who stand between the Asst. & the D.C.'s appt. ~~should be struck out~~ are those ~~of~~ in the Commissioners list six to seven thousand rupees. It was proposed to recover Rs 100 from Mr. Karavadra's monthly remuneration of Rs 350 from his pension. In view of the fact that he is ~~not~~ the senior in rank & his negligence consists in not pursuing the matter the penalty proposed to be levied (and the instalments) might be reduced from one half

his steps were noted by both the respondents the officials were at fault in his

WD 02553—6 PB—50,000—8 7 30

Recovery of the defalcated amount from the late Karnam clerk N. G. Ramakrishnan.

Law File No. 57 of 1930 | General and Revenue Secretariat

77) Please put up a draft G.O

BNP
17.2.32

DEL 5861
24. FEB. 1932

Dft. G.O. Subn for approval.

I have put up a revised draft.

Today

78) Please get it typed for Submission

BNP
24/2

Typing Section)

TYPING SECTION
24. FEB. 1932
GENL. & REV. SECTT.

79) Typed dft & Subn for appl.

TSD 24/2

Dev Secy) BNP 24/2

OFFICE OF THE SECRETARY TO GOVT.
27 FEB. 1932
No. 7103

80) 2nd member) MS 26/2

To,

The D.C. B'lore

The Comptroller Hyd' fin & Secy

Mr. Kesavachar

G.O. No. P. 5760-70 Secy 57-308 d 4.3.32

directing that in the circumstances stated the blame for the oversight has however to be shared between the Auditor and the D.Commr's office, and that in view of the fact that his negligence consists in not perusing the matter further, a sum of Rs 500/- may be recovered from Mr. Kesavachar by monthly deductions of Rs 25 from his pension, and that the D.C. B'lore should try to fix the responsibility of the official or officials at fault in this office for this neglect in allowing the rights of Govt to be lost.

86) Dft returning the records

ISD 14/2

Issue

Bnp

FROM

M. Seshadr Esq., M.A.,
Offg. *Deputy Commissioner,*
Bangalore District.

To

P. Mahadevayya, Esq., B.A. B.L.
Secretary,
to the Government of Mysore.
Law Department, Bangalore

Subject:—

In forwarding herewith the records relating to the recovery from B.G. Rama Rao, late Maramat clerk, Bangalore District of a sum of Rs.2761-7-0 being the unaccounted cash balance of the late Maramat Department, I have the honour to state that B.G. Rama Rao who was a Maramat clerk in the District office having defalcated a large sum of Government money prior to 1907-08 by rendering false accounts etc., he was convicted and sentenced by the District and Sessions Judge, Bangalore Division, the sentence being confirmed in appeal.

and interest of B.G. Rama Rao in house No. 11, Gopalakrishnaswam Temple Street, Chickpet, Bangalore City and purchased it in the sale on behalf of Government for ₹.2000/- in 1908. One Subbs mother of Rama Rao who was living in the house having refused to give possession of the house the Amildar, Bangalore took filed against B.G. Rama Rao and Subbamma as defendents in the Court of the Sub Judge, Bangalore (O.S. No. 43/1909-10 on the file of the Judge, Bangalore) The Sub Judge in his judgement dated 23rd December 1912 decreed that the Amildar was owner of the house in question as purchaser in the sale held by the Revenue Department was entitled to the possession thereof on behalf of Government and that Rama Rao and Subbamma had no right thereto The execution petition No. 2148/1915-16 filed by the Amildar on 22nd June 1916 O.S.No.43/1909-10 was rejected; it is not known why it was reje as the connected records are intimated by the Sub Judge to have destroyed. Later on in 1920-21 one Shama Rao filed a suit in th court of the 1st Munsiff, Bangalore (O.S. No.111/1920-21) prayin for a declaration that the house in question belonged to him and the Amildar did not acquire any rights over the house by virture his purchase in the sale effected by the Revenue Department but suit was dismissed on 25-10-1927 by the Munsiff for want of diligence on the part of Shama Rao in prosecuting the suit.

353/18-5-07	12/-	Adjusted on 12-3-09 for Halleswar site value.	why a sum of Rs.403/ was returned to the parties.
270/16-4-06	25/8/-)		
267/20-4-06	76/8/-)	In deposit	

Further, the Amildar reported that when in 1929 he went and saw the house bought by the Amildar in 1908 he found it to be still in possession of Rama Rao inspite of the decree of the Sub Judge and that he (Rama Rao) informed him that he was managing the property on behalf of his wife who got the house by virtue of Civil court decree passed in her favour by the 1st Munsiff, Bangalore on 1st February 1921 in O.S. No.277/20-21 on the file of his court. From a copy of the decree in the O.S.No.277/20-21 since obtained from the 1st Munsiff, it is seen that the suit C.S. No.277/20-21 was one brought by Kaveramma, daughter of one Appajap against the Amildar, Bangalore taluk for a declaration that she is the owner of house No. 11 and that the Amildar acquired no legal rights over the house by virture of the sale effected by the Revenue Department in 1908 and that a decree was granted in favour of Kaveramma exparte on account of the absence of the Amildar. It would appear that though the then Amildar was served with the summons in the case on 10th January 1921 to appear before the court on 19th January 1921 the then Amildar (Mr. Keshava char) failed to appear before the court either on that date or on 31st January 1921 to which date the case stood adjourned and that a decree was granted by the court as per plaint in the case on 1st February 1921. No steps have been hitherto taken to have this exparte decree in favour of Kaveramma set aside.

It is reported that the house No.11 in question is fetching a rent of Rs.35/- per month and that it is said that it has been always fetching a decent rent.

It is not clear whether in view of the execution petition No. 2148/1915-16 filed by the Amildar in O.S.No.43/1909-10 on the file of the Sub Judge having been rejected and also in view of the ex-parte decree Kaveramma was able to obtain against the Amildar in O.S. No.277/20-21 on the file of the 1st Munsiff and her continued possession of the house since then the Revenue Department could be legally right in taking forcible possession of the house in question now in a summary way and I request you to be

Section Law

File No. 57-30

Serial No. 2

No. D9526

Diary No. of letter replied to.....

General and Revenue Secretariat

)

193

The Deputy Commissioner, B'lore

Date of issue 6/11

Sir,

Signed by Mr N. Raj Row

With reference to your letter no. C1-990/26-27 dt 15th Oct 1930 re: recovery of the defalcated amount from B.S. Rama Rao, late Naraman Clerk Bangalore Dist. I am directed to request that Copies of the pleadings, Judge's notes, and decree passed in original Suit No. 277/1920-21 on the file of the I Munsiff B'lore, (Kavarama daughter of Appajappa vs The Amilda, 15 be may kindly be obtained & sent at Lower an early date

List of enclosures.....

Copied by.....

Examined by.....

5th November 1930.

The Deputy Commissioner,
Bangalore District.

With reference to your letter No. C. 1-990/26-27 dated 15th October 1930 regarding recovery of the defalcated amount from B.G.Rama Rao, late Haramat Clerk, Bangalore District, I am directed to request that copies of the pleadings, Judge's notes, and decree passed in original suit No. 277/1926-21 on the file of the First Munsiff -- Bangalore, (Kaveramma daughter of Appajappa Vs The Amildar Bangalore may kindly be obtained and sent at an early date.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Ex Secretary to Government
Law Department.

FROM

Moin-Ul-Vizarath A.K. Syed Taj Peeran, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

TO

P. Mahadevayya, Esq., B.A.,B.L.,
Secretary,
the Government of Mysore,
Law Department, Bangalore.

SIR,

Subject:—Recovery of the defalcated amount from B.G. Rama Rao, late Maramat clerk, Bangalore District.

With reference to your letter No.P.2526/Law.57-30-2 dated the 6th November 1930 and a subsequent reminder thereto No.P. 3475/Law 5-30 dated the 19th December 1930 calling for copies of the pleadings etc., in original suit No.277/20-21 on the file of the First Munsiff, Bangalore, I have the honour to forward herewith for kind perusal the copies as desired in your letter under reference received from the Public Prosecutor, Bangalore Division with his letter No.270/30-31 dated the 23rd December 1930.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Bangalore District.

The Deputy Commissione

Bangalore District.

Sir,

Recovery of the defalcated amount from B.G.Rama Rao, late Maramat Clerk, Bangalor District.

With reference to the correspondence ending with your letter No. C1-990/26-27 dated 3rd January 1931 on the above subject, I am directed to request you to call for the explanation of Mr.Kesavachar (now retired) who is said to have been the Amildar of Bangalore Taluk during the year 1921, as to why he failed to appe appear in O.S. 277 of 1920-21 (Kaveramma Vs Amildar, Bangalore) on the File of the First Munsiff's Court, Bangalore, though he was -- personally served (vide defendants Summons) on 10th January 1921 and when on account of his absence, an exparte decree was - passed in the case on 1-2-1921 why he did not take steps in time to have it set aside.

It is surprising that though, after a keen contest, Government succeeded in getting a declaration of its right to the house property in question in O.S. 43 of 1909-10 in the Sub Court, Bangalore and the then Amildar of Bangalor Taluk got an order on 27th October 1919 removing the obstruction caused by Kaveramma and Shama Rao, in Mis 265 of 16-17, Mr.Kesavachar not only neglected to get possession of the house within 3 years of the order, i.e. within 27-10-1922 but allowed an exparte decree to be passed against him in the matter. On accoun of this wilful negligence, the right to get possession has been lost to Government. --

Mr. Kesavachar's explanation may therefore be obtained at once and submitted to Government for orders. He may be given one month's time to furnish the explanation called for.

I have etc..

Legal Remembrancer to Govt.

ISD

FROM

K.V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District

To

P. Mahadevayya, Esq., B.A.,B.L.,
Secretary,
to the Government of Mysore.
Law Department, Bangalore.

SIR,

Subject:— Recovery of the defalcated amount from B.G Rama Rao, late Maramat clerk, Bangalore District.

With reference to your letter No.P.5822/Law. dated the 18th March 1931, regarding the above and a subsequent reminder thereto No.P.7129/Law. dated the 6th May 1931, enquiring whether the explanation of Mr. Kesavachar, Amildar (now retired). has been obtained etc., I have the honour to state that the Deputy Commissioner, Mysore District, who was requested in this office No. C1-990/26-27 dated 25-3-1931 to kindly obtain and forward the explanation of Mr. Kesavachar, has not yet forwarded the same. He has been again reminded in the matter and on receipt of a reply from him, a further communication will be made to you in the matter.

I have the honour
Sir
Your most obedient servant

Deputy Commissioner,
Bangalore District.

Section Law

File No. 57-30

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat

(

the *193*

Date of issue 8/7/31

Signed by M. N.

Sir,

I am directed to enquire how much pension per month Mr Kesavachar retired Amildar, is drawing. He is also to have been the Amildar of Bangalore Taluk in the year 1921.

I have etc

for Chief Secy

List of enclosures.....

Copied by 7/7/31

Examined by.....

The Comptroller to Government,
Bangalore

I am directed to enquire how much pension per month Mr. Kesavachar, Retired Amildar, is getting. He is said to have been the Amildar of Bangalore Taluk in the year 1921.

I have the honour to be,

Sir,

Your most obedient servant,

For Chief Secretary to Government.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

VD. 0562—GPB—2500—25-7-22.

14 1932 p 83

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Comptroller's Office, Bangalore,

No. 238 Pen.

Dated the 17th July *1931.*

Law 57-30-6

The Chief Secretary to
the Government of Mysore,
Bangalore.

Law
JULY 1931

Sir,

With reference to your letter No.P.228/Law dated 8th July 1931, enquiring how much pension Mr. K. Keshavachar. Retired Amildar is getting, I have the honor to state that he has been now drawing a pension of Rs.95/- per mensem at the Mysore District Treasury after commuting Rs.30/- out of his riginal pension of Rs.125/-

I have the honor to be.
Sir,
Your most obedient servant,

For Comptroller.

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *193*

Date of issue 31.7.31

Signed by Mr. N. R. Jayarao

To
The Deputy Com.
Mysore DC
Mysore

Sir,

It has come to the notice of Government that one K. Kesavachar, retired Amildar who is said to be now drawing a pension of Rs 9/- per mensem at the Mysore District Treasury, failed, when he was an Amildar of Bangalore in 1921 to appear in O.S. 277 of 1920-21 (Kaveramma vs Amildar, Bangalore) on the file of the First Munsiff's court,

Bangalore, though he was personally served with the defendants summons on 10th January 1921. On account of his absence, the Court passed an exparte decree on 1-2-21, and Mr. Kesavachar took no steps to have the decree vacated. By this gross negligence, Government ~~have~~ lost their title to the house property No 11, Gopalakrishnaswami temple street Chickpet, Bangalore city, which they had got by purchase at a sale held for recovery of the defalcated amount from B. G. Ramarao, late Maramat clerk Bangalore District. I am directed to request you to issue a notice at once to Mr Kesavachar calling upon him before Government and to show cause why the loss caused to Government cannot be made good by deductions from his pension.

The date fixed for hearing is the 13th August 1921 at 2 P.M. A report as to the due service of notice may be

S.Abdul Wajid, Esq., B.A.,
THEXXDEPUTY COMMISSIONER,
MYSORE DISTRICT.

To

N.MADHAVA RAO, ESQ., B.A., B.L.,
CHIEF SECRETARY TO THEX GOVERNMENT OF MYSORE,
BANGALORE.

10 AUG. 1931

SIR,

With reference to your letter No.P.675 dated 31-7-1931 re: the x issue of a Notice to Mr.K.Keshava Char, retired Amildar to appear before Government regarding his negligence in not answering Court Summons etc., I have the honour to forward herewith in original the report No.Pro.111 dated 5-8-1931 of the Amildar,Mysore Taluk stating that the Notice was duly served on Mr.Keshava Char.

Forwarded to the Revenue Inspector of Disparcy
for immediate service of the duplicate and return
of the original with the Endorsement of Mr Kesavachen
thereon the report is called for by the Deputy Commr
before the 5th instant the R I is therefore requested
to serve the notice tomorrow and report—

Re Sivappa
Amdon
1-8-31

Office of the Deputy Commissioner,
Mysore District

Dated Mysore, 1st August 1931. *193*

Mr. K. Kesavachar, B.A., B.L.,
Retired Amildar,
D. Subbiah Road,
Near Railway Co-operative Society, Mysore.

A reference has been received from Government stating that while you were an Amildar at Bangalore in 1921, you failed to appear in O.S.277/20-21 (Kaveramma Vs. Amildar, Bangalore on the file of the First Munsiff's Court, Bangalore), though you were personally served with the defendent's summons on 10th January 1921 consequent on which the Court passed an ex-parte decree on 1st February 1921, that instead of taking ~~xx~~ steps to have the decree vacated, you do not appear have taken action, and that by this gross negligence Government lost their title to the house property No.11, Gopalakrishnaswamy temple Street, Chikkapet, Bangalore City, which ~~xy~~ they had got by purchase at a sale held for recovery of the defalcated amount from B. G. Rama Rao, late Naramat Clerk, Bangalore District. You are therefore hereby required to appear before Government on 13th August 1931 at 2 P.M. to show cause why the loss caused to Government cannot be made good by deductions from your Pension

d1587

To

The Amildar, Mysore Taluk,
for service and return on
or before the 5th instant.

P
1.8.31

For Deputy Commissioner,
Mysore District.

Records regarding in connection with the
correspondence received from O.S. No. 277 of 20-21.
on the file of the I Munsiff's Court
Bangalore - the Chief Clerk
This is to see whether the summons
was served on the personally, and
the reply from the plaintiff
to the notice given by him to the
Munsiff of Bangalore Taluk.

The records in the Taluk office &
show that the summons issued on
the defendant has been
served and the notice taken
on the receipt of the notice.
The diary maintained by the
Chief Clerk & see whether
I was on the date of hearing

13/8/31

K Ramachar
Retired Munsiff

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No. P984

Immediate

To

The Registrar
High Court of Judicature
Bangalore

Sir,

I am desired to request
Kindly
you to obtain and send
within a week from this
date, the records of O.S.
277 of 20·2; on the file of
the First Munsiff, Bangalore
(Kaveramma vs Anildas,
Bangalore), ~~since the same~~ as they are
required for reference
in connection with a case
against the then Amildar

Diary No. of letter replied to.....

General and Revenue Secretariat

the

Date of issue 13/8/21

Signed by.....

The Registrar,
High Court of Mysore. Bangalore.

I am directed to request you to kindly obtain and send within a week from this date, the records of O.S 277 of 1920-21 on the file of the First Munsiff Banga (Kaveramma Vs. Amildar, Bangalore) as they are required for reference in connection with a case against the th Amildar of Bangalore Taluk, which is pending for heari before Government.

2. The suit appears to have been decreed exparte c 1st February 1921.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 13 8 31

Signed by.....

List of enclosures.....

...ied by.....

...mined by.....

To

The Deputy Comr
Bangalore

Sir,

In Continuation of the
Office letter no: P 709 / Rev
dated 4th august 1931 relating
the action to be taken
against Sri K. Kesavachar
Retired Amildar for negligence
in not appearing in court
in furtherance of the Summons
served on him personally in
O.S. 27 of 20-21 on the
file of the First Munsiff,

Bangalore, I am directed to request you to obtain and send within a week from this date the records of the Bangalore Taluk Office, ~~the same is required for reference in the case now pending before Government:~~

~~i) The records showing~~ showing the receipt of Summons in the case by the then Amildar, the Kesavachar and the action taken by him thereon, as also the ~~(ii) the~~ diary maintained by ~~the said Amildar~~ him at the time to see where he was

H.V. Ramaswami, Esq., M.A., B.L.,

General Department.

K. Anantaraman, Esq., B.A.,

Deputy Commissioner, Bangalore District.

In continuation of this office letter No. P. 709/Law, dated 4th August 1931, regarding the action tobe taken against Mr. K. Kesavachar, Retired Amildar, for negligence in not appearing in Court in pursuance of the summons served on him personally in O.S. 277 of 20-21 on the rile of the First Munsiff, Bangalore, I am directed to request you to obtain and send within a week from this date the records of the Bangalore Taluk Office, showing the the receipt of summons in the case by the then Amildar, Mr. Kesavachar and the action taken by him, as thereon.as also the diary maintained by him at the time to see where he was on the date of hearing.

I have the honor to be,
Sir,
Your most obedient servant,

FROM

K.V.Anantaraman,Esqr., B.A.,
Deputy Commissioner,
Bangalore District.

GENERAL SECRETARY. 11 AUG. 1931 No. 1879

To

N.Madhava Rao,Esqr., B.A., B.L.,
Chief *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:— Recovery of the defalcated amouht from the late Marahmat clerk (B.G.Rama Rao), Bangalore District.

In continuation of this office letter No.C1-990/26-27 dated the 21st May 1931 addressed to the Secretary to Government, Law Department, re. the submission of the explanation of Mr.Kesavachar, retired Amildar, I have the honour to state that the Deputy Commissioner, Mysore District, who was requested in this office No. C1-990/26-27 dated 25-3-31 to obtain and forward the explanation of Mr.Kesavachar has now requested in his Memo No.N.3154-30 dated 13-7-31 to send the connected records to enable Mr.Kesavachar to furnish his explanation in the matter and to request you therefore to kindly return the connected six files of records forwarded with this office letter No.C1-990/26-27 dated the 16th October 1930.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 18th August 1931 ~~123~~
19th

R. O. C. Dis. No. 178
21.32

FROM Rec. Records in OS. No. 277
20 21

H. M. Krishnaswami, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

GENERAL SECRETARIAT 20 AUG 1931 No. Law 1811

TO

H. V. RAMASWAMI, Esq., M.A., B.L.,
General Secretary to the Government of Mysore,
BANGALORE.

SIR,

I am directed to acknowledge the receipt of your letter No. P. 984/Law dated the 13th August 1931 requesting that the records in Original Suit No. 277/20-21 on the file of the First Munsiff of Bangalore, (Kaveramma Vs. Amildar, Bangalore) may be sent up for reference.

In reply I am to forward herewith the said records for reference and return.

I have the honor to be
Sir,
Your most obedient servant,

H. M. Krishnaswami
Registrar.

FROM

K.V.Anantaraman,Esqr., B.A.,
Deputy Commissioner,
Bangalore District.

H.V.Ramaswami, Esqr., M.A., B.L.,
General *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—

With reference to your letter No.P.935/Law dated the 13th instant and a subsequent reminder No.P.1135/Law dated the 21st instant calling for certain records of the Bangalore Taluk Office in connection with the action to be taken against Mr.Kesavachar, Retired Amildar for negligence in not appearing in Court as per the summons served on him personally in O.S.No. 277 of 20-21 on the file of the First Munsiff, Bangalore; I have the honour to state that the Bangalore City Amildar who was directed to submit the necessary records has reported in his No. HC.32/31-32 dated 22-8-1931 that as the same were not available in his office, a requisition has been sent to the Bangalore Taluk Amildar to furnish the same. The Bangalore Taluk Amildar has been asked to submit the records in the course of this day. The records will be sent as soon as they are received.

I have the honour to be,
Sir,
Your most obedient servant,

Dear Sir,

Your D.O. of date.

So far, we have been able to get only extracts from the 'From & To' registers showing the receipt of summons. The Amildar has reported that he has not been able to get the diaries yet. A formal letter enclosing the two extracts and reporting ~~that~~ / ~~the fact of~~ the diaries have not yet been received, is also being sent per bearer.

The position was planned to your office already in the course of the day

Yours sincerely,

S. Ranga Rao

N.R. Jaya Rao, Esq.,
Assistant Secretary,
Law Department,
Bangalore.

FROM

K. V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

GENERAL SECRETARIAT
26 AUG 1931
No. 170

TO

H. V. Ramaswamy, Esq., M.A., B.L.,
General *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—

In continuation of this Office letter No. C1.990/26-27 dated the 25th instant re the submission of certain records of the Bangalore Taluk Office showing the receipt of summons by the then Amildar, Mr. Kesavachar Etc., I have the honour to forward herewith the two extract in original from the "From and To" Registers of 1920-21 received from the Bangalore Taluk Amildar with his No.H.C. 35/31-32 dated the 24th instant. Extract from the Diary of Mr. Kesavachar will be sent early as the same is not yet traced.

7/11/21

FROM

K. V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

GENERAL SECRETARY
29 AUG 1931
No To

H. V. Ramaswami, Esq., M.A., B.L.,
General *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—

In continuation of this office letter No.C1-990/26-27 dated 25th August 1931, forwarding the extracts in original from "From & To" registers of 1920-21 received from the Bangalore Tal Amildar showing the receipt of summons by the then Amildar, Mr. Keshavachar in O.S.No.277 of 1920-21 on the file of the Firs Munsiff, Bangalore, I have the honour to submit herewith the Amildar's diary for the period from 1-5-1920 to 30-6-1922 received from the Bangalore Taluk Amildar with his report No.H.C.35/31-32 dated 25-8-1931.

With reference to the Notice dated 1-8-31 from the Deputy Commissioner, Mysore District asking me to appear before Government and explain why I did not attend the Court of the First Munsiff of Bangalore in O.S. No.277 of 1920-21, Kaveramma Vs. the Amildar of Bangalore etc., I respectfully beg to state as follows:-

As I had no recollections at all about the case which are more than 10 years old, I referred to the Registers maintained in the Taluk Office and gathered the following facts:-

The Government having purchased the hou-- property of B.G. Rama Rao, ex Maramath Clerk, Dist. Office, who had embezzled Government money, two suits were brought against the Amildar of Bangalore in 1920-21, when I was in charge of the Taluk. One by Shama Rao in O.S. No. 111 of 1920-21 and another by Kaveramma in O.S. No.277 of 1920-21. In both the suits after I got the notices, I reported to the Deputy Commissioner that the subject matter of these cases relate to the period of my predecessors in office and that as the records had been sent to the Public Prosecutor on 23-6-1916 long before I took charge of the Taluk, the Public Prosecutor might be entrusted with these cases. Regarding the Second case which was filed later, the plaintiff sent a notice to me as Amildar on 7-9-1920, I immediately submitted report to the Deputy Commissioner praying for instructions in the matter and requested that the Public Prosecutor

might be engaged to attend the case as he was engaged in the other case also. A reply was received from the Deputy Commissioner in O.S.No. 1258 of 1920-21/Dated 18-10-1920 forwarding a copy of Government Order No. G.7594 dated 6-10-1920 regarding the engagement of the Public Prosecutor. After the receipt of summons through the Deputy Commissioner on 8-1-1921 with his No. O.C.2908, I wrote to the Deputy Commissioner requesting that the Public Prosecutor might be addressed in the matter. As no reply was received from the Deputy Commissioner, I again wrote to him in my No.958 dated 17-1-1921 that the Public Prosecutor might be written to at once so that he might appear and (mind) got the interest of Government as it was a case parallel to Shamarao's case which he was attending. As no further correspondence is available in the records of the Taluk Office, I cannot make out what took place afterwards. But as general orders were passed by Government in G.O.R. 6718-31/L.R. 207-20-5 dated 6-12-1920 authorising the Deputy Commissioners to engage the services of Public Prosecutor or Government Advocate whenever they found it necessary, I presume that the Public Prosecutor was written to in regard to this case. The case was posted for hearing to 19-1-1921 and subsequently adjourned to 1-2-1921 on which date the ex-parte decree was passed. These orders were passed evidently after I wrote to the Deputy Commissioner twice in the matter.(continued on the reverse)

From the Registers it is clear that the papers relating to the notice and summons were referred to the Head Gumasta Arunachala Sastry

As the monthly Diary which I had kept at that time is said to have been destroyed last year, I do not know what work I had on those dates and where I was -- whether I was in Head Quarters or I had gone on Circuit.

(now Taluk Sheristedar of Bangalore) His duties were to keep the papers with him and remind me whenever any action was to be taken. When so much correspondence was going on in this case, he should have reminded me on the date of hearing and watch the progress of the case. As there was heavy work in the Taluk Office and the papers were not kept properly and the Amildar had very pressing outdoor duties, the Government on the recommendation of the Revenue Commissioner were pleased to appoint a Deputy Amildar to attend to the papers in the Office and help the Amildar. A perusal of the To Register (report No.516 dated 4-10-192 to the Deputy Commissioner) shows that these papers were handled by the Deputy Amildar and he was in touch with the case and all papers were referred to him. Also the Registers go to show that I had ~~the~~ a heavy programme of work to get through and I was constantly touring. I had no time to attend to the Office work and dispose off papers in the Office. The acquisition proposals for the aerodrome at Bangalore at a cost of lakh of rupees, the Census work and the Revenue Collections and the recovery of heavy arrears of the nine hoblies of the Taluk as also in ~~C~~ City which are being done now by two Amildars, kept me fully engaged in out-door work.

Thus it is clear that I am not ~~yet~~ at fault in this case. As I had no personal knowledge of the case and the records connected therewith were with the Public Prosecutor to whom they were sent in 1916, I requested the Deputy Commissioner to engage the service of the Public Prosecutor as usual and I also wrote to the Public Prosecutor in the matter. But how that correspondence ended

cannot be made out at this distance of time as the records are not available. I was transferred to Maddagiri Taluk in April 1921 and heard nothing about this case till my retirement in 1924 and even thereafter till now.

If the Public Prosecutor had been written to by the Deputy Commissioner, and the Public Prosecutor had taken pains to attend to this case, he could easily have got the case set aside and avoided loss to Government. Being saddled with most urgent and heavy out-door duties, I could not attend to the Office work or remember this case unless it was brought to my personal notice by the Clerk concerned. The Head Gumasta and the Deputy Amildar were responsible in such matters.

Under these circumstances, I most respectfully submit that I am not at all responsible for the loss which is unfortunately sustained by Government and it is evident that I have not shown gross negligence in this case as is mentioned in the Deputy Commissioner's Memo. I am in this oldage struggling hard to maintain my family on account of indebtedness. Therefore, I most humbly request that the Government may be graciously pleased to excuse my non-attendance in Court in the light of my above explanation and absolve me of all blame

29/8/31

K Ramachar
Retired Amildar.

K. Mathan Esquire B.A.,

First Member of Council,

B A N G A L O R E.

With regard to C.S.
Amildar of Bangalore on the file of the Court of the First Munsiff, Bangalore and in continuation of my explanation dated 29-8-31 I further beg to state as follows:-

That the plaintiff in the case sent a notice to me in the form of a petition on 19-8-1920 before filing the suit, whereupon, I reported to the Deputy Commissioner seeking instructions from him and praying that the Public Prosecutor might be appointed in the case. He sent a reply in his O.C. No. 1258 dated 17-9-1920 saying that a report was submitted to Government to engage the services of the Public Prosecutor in the case and that I should go to him and take the connected records and take needful action and again on 18-10-1920 another order was received from the Deputy Commissioner in his O.C. No. 1258 forwarding copy of Government Order No. G. 7594 dated 6-10-1920 approving of the appointment of the Public Prosecutor in the case. Thus it is seen that the Public Prosecutor was engaged to attend to this case and take needful action. As the order copy was not available in the Taluk Office, I pray that the original Order of Government may be sent for and perused as also Extracts from the "From and To" registers maintaingd in the Taluk and District Offices.

With regard to my report No. 958 dated 17-1-1920 I wanted to know what action was taken in the District Office, I therefore went and ascertained there and learn that the General registers of those months were not avai in the records. I therefore pray that the Deputy Commission may be kindly requested to report as to what action was

taken on my report and if no action was taken, why it was not taken and who was responsible for it. I do not know why the General or the amad register for those months is not available in the District Office. I suspect that something wrong is committed by the officials concerned

As I have already reported I have taken needful action in the case though I did not attend the Court on the date of hearing for reasons which I cannot state at this distance of time in the absence of my monthly Diary which has been destroyed.

In conclusion, I most humbly beg that I may be kindly excused and that my pension which was hard-earned may be saved for my poor family as I am ~~getting~~ growing very old. Begging to be excused for the trouble,

Yours most obediently,

K. Ramachar

Retired Amildar, Mysore.

Dated Mysore
30th August 1931

To

The Deputy Cr

Bangalore Dt-

Sir,

With reference to the Correspondence ending with your letter No: C.1-990/26-27 dated 28th August 1931 regarding the responsibility of the then Amildar of Bangalore Taluk Sri Kesavachar, for allowing an ex parte decree being passed On 1-2-21 in O.S. 277 of 2021 on the file of the Dist. Munsiff, Bangalore, I am directed to

share that Mr. Kesavachar has submitted two memos — Copies of which are herewith sent for reference — explaining the action taken by him on receipt of the Summons in the said suit. It is seen that the Amildar ~~wrote to the Bar~~ made a report to you in his letter No: 958 dated 17th Jan 1921 for engaging the services of the Public Prosecutor ~~for the~~ to conduct the case. I am to enquire what action was taken in your office on receipt of this reference.

Mr Kesavachar also refers to communications from your office O.C No: 1258 dated 17-9-20 and 18-10-20 ~~forwarded~~ and to ~~a copy of~~ the T.O. No: 9759 dated 6-10-20 in the same matter. These references may kindly be sent immediately for perusal and return

The Deputy Commissioner,

Bangalore District.

With reference to the correspondence ending with your letter No. C.1-990/26-27 dated 28th August 1931 regarding the responsibility of the then Amildar of Bangalore Taluk Mr. Kesavachar, for allowing an exparte decree being passed on 1st February 1921 in O.S.277 of 20-21 on the file of the First Munsiff, Bangalore, I am directed to state that Mr. Kesavachar has submitted two memos - copies of which are herewith sent for reference - explaining the action taken by him on receipt of the summons in the said suit. It is seen that the Amildar made a report to you in his letter No.958 dated 17th January 1921 for engag the services of the Public Prosecutor to conduct the case. I am to enquire what action was taken in your office on receipt of this reference.

Mr. Kesavachar also refers to two communications from your office, O.C.No.1258 dated 17th September 1920 and 18th October 1920 and to the Government Order No.G.7594 dated 6th October 1920 in the same matter. These references may kindly be sent immediately for perusal and return.

FROM

K.V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

GENERAL SECRETARY
11 FEB. 1932
No. To

R. Ranga Rao, Esq., B.A.,B.L.,
General *Secretary,*
to the Government of Mysore.
Bangalore.

Subject:—Recovery of the defalcated amour
Maramat clerk (B.G. Rama Rao), District Office, Bangalore.

With reference to the correspondence ending with your letter
lo.P.1397/Law dated 1-9-1931 and the subsequent reminder thereon
nding with your No.P.3710/Law dated 6-1-1932 regarding the liabi-
ity of Mr. Kesavachar, Retired Amildar, Bangalore taluk for allow-
ng an exparte decree to be passed in O.S.277/20-21 on the file of
he 1st Munsiff, Bangalore and calling for the references required
o be furnished immediately, I have the honour
he 'Local delivery book' and 'From and To'
ore taluk office for the year 1920-21, it is seen that the Amil-
ar's report No.958 dated 17-1-1921 referred to in your letter was
eceived in this office. The personal register of the then
evenue Head Munshi the Amad Register and Refer Book of the
eputy Commissioner's office) for that period are not traceable
lthough a thorough search was made for the same in the District
ffice records, and consequently, it has not been possible to asce
ain what action was taken on the Amildar's reference. The said
eport does not find any entry in the current register. An extrac
of the report No.958 prepared from the 'To' register of the taluk
office is enclosed.

As regards the two references No.O.C.1258 dated 17-9-1920 and 18-10-1920 from this office to the Amildar and the Government order No.G.7594 dated 6-10-1920 referred to by Mr. Kesava-Char in his memos, the current register for that period shows that the correspondence relating to the subject to which these papers relate was 'lodged', but the file of records is not forthcoming although a thorough search was made for the same. I am not sure whether this file is one of the six files of records sent with this office No.C1-990/26-27 dated 16-10-1930 addressed to the Secretary to Government, Law Department. I request you to be so good as to verify the same as these files are still in the secretariat.

Amildar.

Informs that the case is posted to 21-12-20

16-12-20.
Informs the Amildar of Bangalore of the communication of today to the Public Prosecutor and invites his presence on the date ...ng. Informs the Public Prosecutor that no amount can be advanced to him at present before the adjustment of th balance with him.

Requests the Public Prosecutor to return the records of this case as the same is required by the Govt.

G.32/4-2-31. sending the records.

Informs Mr. Mahadevayya of the communication to the Public Prosecutor.

To Mr.P.Mahadevayya, B.A.,B.L., Asst. Secretary to Government.
Forwards an extract of para 2 and ~~th~~ states that in spite of diligent search, the records are not available here.

15-7-31.
Returns the seven files of records received with him No.H.32 dated 4-2-21 to the Public Prosecutor, Bangalore.

19-8-21. Public Prosecutor 22-8-21.
Requesting to kindly send a statement of account for the amount or remit to the office for adjustment.

8-9-21. Forwards the bill and the Comptroller's objection slip to the Chief Secretary requesting amount to 'Law & Justice' and inptroller accordingly.

26-9-21 Order No J1-1711 12 Cts. 99-21-2

"Extract"

S. Rao

y Commissioner,
alore District.

Extract of O.C. Register No.1258/20-21.

No.in this Regr.	If from outside outside date & No. and from whom, incoming reminders to be entered in red ink. From whom. No.& Date.	If from outside (a)No.of enclosures (b)No.of spare copies.	If from outside, date of receipt otherwise date of entry in this Regr.	Purport of the current with catchword underlined. If special instructions are received regarding reply here enter in red ink.	To whom given.	Reference sent out	Outside No. and date of reply
1258	The Amildar, Bangalore Tq. 357/6 -		8-9-20	Re. purchase of the house by the Amildar in a Revenue sale held on behalf of Government of Mysore for the recovery of the amount alleged to have been misappropriated by one Rama Rao while he was clerk.	H.H.M.	17-9-20. To The Chief Secretary in Mysore. In forwarding copy of the plaint, requests ~~that~~ the Public Prosecutor to appear on behalf of Government for defence. 17-9-20. Amildar, Bangalore Tq. Asks to be present at the court on the date of hearing with the necessary records. 19-10-20. Amildar, Bangalore. Copy with G.O. is forwarded for report. 4-11-20 Amildar, Bangalore for early report 4-11-20. Amildar, Bangalore. ~~for~~ Forwards copy of D.M. Ramachandra Rao's letter with 7 files for a detailed report. 16-12-20. Forwarded to the Public Prosecutor Bangalore with six files of papers & copy of the plaint and a draft	G.7594/91-20-2 6-10-1920. 516 30-9-20. 609 28-10-20 751 22-11-20 with seven records. G.No. 28/23-12-20

ಕ್ರ ಜಂಬುರು ನಂಬರು	ತಾ	ಷರಂಗ್ಕಿ	ಕಿಂದಿನ ದಾಖ್ಲೆ	ದುಲ ಪುಟ್ಠಿ	ಜದಾಬ ನಂಬರು
958	17-1-21	ಬೆಂಗಳ್ಳೂರು ಪ್ಲೆಟ್ಟ ಮುನಿಸಿಫ್ ಕೋರ್ಟಿನ 20-21 ನೆ ಸಾಲ O.S. 277 ನೆ ನಂ ಮೊಕದ್ದಮಾದಲ್ಲಿ ವಾದಿ ಕಾವೇರಮ್ಮ-ಪ್ರತಿವಾದಿ ಬೆಂಗಳ್ಳೂರು ತಾಲ್ಲು ಅಮಲ್ದಾರರವರುಗೆ ಸಮನ್ ಬಂದಿದ್ದನ್ನು ಮುಂದಿನ ನಡವಳಿಕೆ ಬಗ್ಗೆ ತಳ್ಳು ಮಿಸಿರುತ್ತೆಂಬ ಜಿಂಬೆ ಯಿದೇ ವಿಚಾರವಾಗಿ ಶ್ಯಾಮರಾಂಮರು ಮಾಡಿರುವ ದಾವಾ ದಲ್ಲಿ ಕ್ರಮ ನಡಿಸಲು ಪಬ್ಬಳಿಕ್ಕು ಪಾಸಿಕ್ಯೂಟರಿಗೆ ಜನಾಬಿನಿಂದ ಬರಸಿ ಏಪಾರ್ಡು ಮಾಡಿಸಿರುತ್ತೆ. ಯಾ ಕೇಸಿನಲ್ಲು ಕ್ರಮನಡಿಸಲು ಅವರಿಗೆ ಬಲಪ ಚೇಕಾಗಿ ಚೇಡಿಧೇನೆ. ಯಾ ಕೇಸು ಸರ ಬಿ.ಕೆ. ರಾಮಕಾಯರುಡನ ವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕ್ಕೊಂಡು ಕೇಸಿಗೆ ಸಂಬಂಧಪಟ್ಟವರಾಗಿರುತ್ತೆ ಜಾಹಿರ್.	1204 9-1-21	5	

Extract S. Rao

for Deputy Commissioner, Bangalore District.

Read:

Letter No.C1-990/26-27 dated 15th October 1930 from the Deputy Commissioner, Bangalore District, stating the circumstances under which an exparte decree obtained on 1st February 1921 against the then Amildar, Bangalore Taluk (Mr. Kesavachar) in O.S. 277 of 20-21 on the file of the First Munsiff's Court, Bangalore, by Kaveramma, wife of B.G. Rama Rao, has rendered it difficult for Government to recover the house property (No.11 Gopala Krishnaswami temple street, Chickpet, Bangalore City), purchased by Govt. for Rs.2000/- in 1908 in a sale held for recovery of the amount defalcated by B.G. Rama Rao, when he was the Maramat clerk in the District Office, Bangalore, and soliciting instructions as to the line of action to be pursued to recover possession of the said house.

2. Two memos dated 29th and 30th August 1931 submitted by Mr. K. Kesavachar, retd. Amildar, explaining the action taken by him on receipt of the summons in O.S.277 of 20-21 abovementioned.

For certain sums of money defalcated by one B.G. Rama Rao, Government brought his house situated in Chickpet, Bangalore City for sale on the Revenue side and purchased it themselves in 1908 through the Amildar, Bangalore Taluk. While trying to obtain possession, the Amildar appears to have been resisted by both B.G. Rama Rao and Subbamma, his mother. A suit was then filed by the Amildar, Bangalore Taluk, against both these persons before the Sub Judge, Bangalore, in O.S.43 of 1909-10 for declaration of Government's title to and possession of the house. After contest, the suit was decreed on 27th December 1912. -- Execution was sued out in Execution case No.2148 of 1915-16, but this appears to have been dismissed owing to obstruction caused by one Kaveramma, wife of B.G. Rama Rao, and another Shama Rao. The Amildar filed Mis. Case 265 of 16-17 against both these persons for removal of obstruction and again after contest, an order was -- passed overruling the objections of the obstructors and directing delivery of possession of the house in favour of the Amildar. This order was passed on 27th October 1919.

On 14th August 1920 Shama Rao filed a regular suit O.S.No.111 of 20-21 in the First Munsiff's Court, Bangalore, against the Amildar, for getting rid of the order of 27th October 1919. Similarly on 29th October 1920, Kaveramma also filed a regular suit O.S.277 of 1920-21, in the same court against the Amildar.

While the suit filed by Shama Rao was duly contested on behalf of Govt. and finally ended in dismissal for default of the plaintiff on 25th October 1927, the suit filed by Kaveramma was allowed to be decreed exparte on 1st Feby. 1921, though the then -- Amildar of Bangalore Taluk, Mr. Kesavachar, was served personally in the case on 10th Jany. 1921. No steps even were taken to have the exparte decree set aside. On account of this negligence, the right to the property has been lost to Govt.

Mr. Kesavachar in his explanation urges that as soon as he received the summons, he made a reference to the Deputy Commissioner in his report No.958 of 17th Jany. 1921 but that he cannot at this distance of time -- explain why he did not pursue the matter further. He pleads by way of extenuation, that he had heavy work to attend to and that the clerk concerned failed to bring the matter to his notice on the date of hearing.

Govt. ~~regret to~~ observe that the circumstances abovementioned do not absolve the Amildar of responsibility in the matter. The blame for the oversight has however to be shared between him and the Deputy Commissioner's Office. The loss sustained by Govt. is estimated to be between six and seven thousand rupees. It was first proposed to recover Rs.1000/- from Mr. Kesavachar by monthly deductions of Rs.50/- from his pension. In view of the fact that he did seek the orders of the Deputy Commr. in time and that his negligence consists in not pursuing the matter further, Govt, direct that a sum

Rs.500/- only may be recovered from Mr. Kesavachar by monthly deductions of Rs.25 - from his pension.

The Deputy Commr. Bangalore should try to fix the responsibility of the ~~xxxxx~~ official or officials at fault in his office for this neglect in allowing the rights of Govt. to be lost.

Letter No.C1.990/26-27 dated 15th October 1930, from the Deputy Commissioner, Bangalore District, stating the circumstances under which an exparte decree obtained on 1st February 1931 against the then Amildar, Bangalore Taluk (Mr. Kesavachar) in O.S.277 of 20-21 on the file of the First Munsiff's Court, Bangalore, by Kaveramma, wife of B.C. Rama Rao, has rendered it difficult for Government to recover the house property (No.11 Gopalakrishnaswami Temple Street, Chickpet, Bangalore City), purchased by Government for Rs.2,000/- in 1908 in a sale held for recovery of the amount defalcated by B.C. Rama Rao, when he was the Huzumat Clerk in the District Office, Bangalore, and soliciting instructions as to the line of action to be pursued to recover possession of the said house.

2. Two memos dated 29th and 30th August 1931, submitted by Mr. K. Kesavachar, retired Amildar, explaining the action taken by him on receipt of the summons in O.S.277 of 20-21 abovementioned.

3. Letter No.C1.990/26-27 dated 9th February 1932, from the Deputy Commissioner, Bangalore District, forwarding certain references called for.

the obstructors and directing delivery of possession of the house in favour of the Amildar. This order was passed on 27th October 1919.

On 14th August 1920, Chema Rao filed a regular suit O.S No.111 of 20-21 in the First Munsiff's Court, Bangalore, against the Amildar, for getting rid of the order of 27th October 1919. Similarly on 29th October 1920, Kaveramma also filed a regular suit O.S.277 of 1920-21, in the same court against the Amildar.

Rs.500/- only may be recovered from Mr. Kesavachar by monthly deductions of Rs.25/- from his pension.

The Deputy Commissioner, Bangalore District, should try to fix the responsibility of the Official or Officials at fault in his Office for this neglect in allowing the rights of Government to be lost.

For Secretary to Government
Development Departmen

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Secti

File No.

Serial No.

No. 5508/Ga/Records

To The D.C. B'lore.

Sir

In Continuation of the G.O. no. P. 5760-70 Laws 57-30-8 dated 4th March 1932 in the matter of fixing the liability of Mr. Kesavachar the retired Amildar of B'lore Taluk, I am directed to return herewith the entire records connected with the Case Action taken in pursuance of the last para of the G.O read above may kindly be intimated for information of Govt in due

1) Instr No 03 27.7/20-21 / Plaintiff Exhibit

2) CR 1/96 / 11-12-30 (1 to 13)

3) file No 6) Records re hearing for
4) — — 5) default entered against
5) — — 4) by B.C. Rama ... on
6) — — 3) behalf Movement
7) — — 2) Clerk of Court
8) — — 1)

FROM

K. V. Anantaraman, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

B. T. Keshavaiengar, Esq., B.A.,
Secretary,
to the Government of Mysore.
Development Department,
Bangalore.

SIR,

Subject:— Recovery of Rs.2761-7-0 from B.G. Rama Rao, late Maramath clerk, District Office, Bangalore.

Adverting to Government Order No.P.5268-70/Law 57-30-8 dated 4-3-1932, passing orders on the above subject, I have the honor to invite kind reference to this office letter No.C1-990/26-27 dated 16-10-1930 submitting 6 files of records bearing on the subject and to request that the said records may kindly be caused to be returned to me for further action being taken in the matter.